


CLEAN AIR ACT7-37. Administrative Enforcement Actions: New Source Review Orders

1. **AUTHORITY.** Pursuant to the Clean Air Act, to determine that a state is not acting in compliance with a requirement of the Interpretive Ruling on nonattainment new source review referred to in Section 129(a)(1) of the CAA Amendments of 1977 or a plan provision required under the CAA, and upon such a determination, to issue a new source review order under Section 113(a)(5).
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising the above authority to issue administrative orders. The AA may waive, in writing, consultation.
 - b. Any official exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the action before exercising this authority. The RC may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions, Including Collection Actions" and "Emergency Temporary Restraining Orders."
 - b. Section 110(a)(2)(I) of the CAA.



Debra H. Thomas
Acting Regional Administrator

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Date